

REMARKS**Summary of the Amendments**

By the foregoing amendment, claims 1 and 3-7 are amended, claims 2 and 8-13 are canceled, whereby claims 1 and 3-7 remain pending. Of the pending claims, claim 1 is independent. Applicants note that any canceled subject matter has been canceled without prejudice or disclaimer, and Applicants reserve the right to re-introduce the subject matter.

Support for the amendments to the claims can be found, for example, in the originally filed specification and claims, and is also inherent therein. Support for the amendment to claims 1, 3, and 7 can be found, for example, in the specification at page 3, lines 4-10, page 4, lines 22-25, and Examples 6 and 7. Applicants submit that no new matter is added.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Information Disclosure Statement

Applicants thank the Examiner for consideration of the disclosure statement filed March 29, 2006, by returning an initialed copy of the Form PTO-1449 submitted therein.

Claim of Priority

Applicants note that the Office Action Summary does not indicate that Applicants claim of priority is acknowledged (*i.e.*, boxes 12(b)(3) are not checked). Therefore, Applicants respectfully request that the Examiner check boxes 12(a)(3) in the next communication from the Office, so that the record reflects that copies of the priority documents were provided by the International Bureau, or at least that Applicant's claim of priority is acknowledged.

RESPONSE TO CLAIM REJECTIONS**1. Response to Rejection under 35 U.S.C. §§ 101 and 112, second paragraph**

The Office Action rejects claim 13 under 35 U.S.C. § 101 because it is argued that the claim recites a use without any active, positive steps. In addition, the Office Action rejects claim 13 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

In response, Applicants have canceled claim 13, without prejudice or disclaimer as to the subject matter contained therein. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §§ 101 and 112, second paragraph rejection of claim 13.

2. Response to Rejection under 35 U.S.C. § 102(b)

The Office Action contains the following rejections under 35 U.S.C. § 102:

- (a) Claims 1, 4-5, and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by DHABHAR (US 4,130,638).

- (b) Claims 1-2, 8 and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by NAKASHIMA-1 (US 4,335,102).
- (c) Claims 1, 4-5, and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by RUDY (US 4,606,912).
- (d) Claims 1, 6-8, and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by NAKASHIMA-2 (US 4,645,662).
- (e) Claims 1-2 and 8-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by GARLICH (US 5,300,289).
- (f) Claims 1, 3, and 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by TAGASHIRA (JP409295944).

In these grounds of rejections, it is asserted in the Office Action that the cited documents of DHABHAR, NAKASHIMA-1, RUDY, NAKASHIMA-2, GARLICH, and TAGASHIRA individually discloses all the recitations of the rejected claims.

In response to the anticipation rejection, Applicants note that a rejection under 35 U.S.C. § 102 can only be maintained if **every element** of the rejected claim is found in a single prior art document.

Applicants note that the cited documents fail to individually disclose every element of the rejected claims. Specifically, the cited documents fail to disclose at least an agent for dissolving dental calculus which comprises active ingredients of “a polyphenol and glycolic acid,” as claimed. Therefore, for at least this reason, the cited documents fail to anticipate the presently claimed invention.

In contrast with the present claims, the cited documents of DHABHAR, NAKASHIMA-1, RUDY, NAKASHIMA-2, GARLICH, or TAGASHIRA all fail to disclose an agent for dissolving dental calculus which contains a polyphenol **AND** glycolic acid. Applicants note that the Office Action argues that TAGASHIRA generally

discloses polyphenols (see, e.g., Abstract). However, Applicants respectfully submit that there is no teaching or suggestion in TAGASHIRA that the “polyphenol-like substance” is or can be combined with glycolic acid. Likewise, the Office Action argues that NAKASHIMA-2 generally discloses glycolic acid (see, e.g., col. 4, line 3). However, Applicants respectfully submit that there is no teaching or suggestion in NAKASHIMA-2 that glycolic acid is or can be combined with polyphenol.

Therefore, for at least this reason, the cited documents fail to anticipate the presently claimed invention, and the rejections under 35 U.S.C. § 102(b) should be withdrawn.

With respect to dependent claims 3-7, Applicants submit that because DHABHAR, NAKASHIMA-1, RUDY, NAKASHIMA-2, GARLICH, or TAGASHIRA do not disclose all the recitations of independent claim 1, claims 3-7 are therefore patentable because they depend from claim 1 which is also patentable, as demonstrated above.

Accordingly, Applicants respectfully request withdrawal of all 35 U.S.C. § 102(b) rejections.

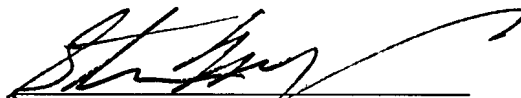
CONCLUSION

In view of the foregoing, it is submitted that none of the cited documents of record, either taken alone or in any proper combination thereof, anticipates or renders obvious the Applicant's invention, as recited in each of claims a and 2-7. In addition, the

applied cited documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Kazuhiro ONO et al.



Bruce H. Bernstein
Reg. No. 29,827

Stephen M. Roylance
Reg. No. 31,296

April 2, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191